

Workplace

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Modern Awards –Is the door to variation opening early?

Employers concerned over increases to overtime and penalty rates as a result of the onset of Modern Awards may take some heart from two recent decisions of Fair Work Australia (FWA). The decisions give a strong indication that FWA will listen to the concerns of employers when it comes to varying obligations regarding overtime, penalty rates and ordinary hours of work.

Last Friday, Fair Work Australia accepted that the effect of Modern Awards on industry sectors are a significant consideration and varied the *General Retail Industry Award 2010* so as to extend the definition of “ordinary hours” for retailers who traditionally trade longer hours. On top of this, Fast Food operators will no doubt welcome Fair Work Australia’s decision to vary the *Fast Food Industry Award 2010* so as to reduce penalty rates payable on a Sunday.

These two decisions, handed down on the same day and less than one month into the operation of Modern Awards may indicate a readiness within FWA to amend Modern Award provisions to take into account legitimate business concerns and traditional business practices.

Finlaysons can assist you, or your Industry Association to make an application. Please call us if you would like to discuss your options.

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